

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813**

July 22, 2011

**Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii**

Land Board Members:

**SUBJECT: REQUEST APPROVAL FOR SELECTION OF THE COMPETITIVE
SEALED PROPOSAL PROCESS AND AUTHORIZE THE
CHAIRPERSON TO AWARD, EXECUTE, AND EXTEND
CONTRACTS FOR THE IMPLEMENTATION OF WATERSHED
PARTNERSHIP MANAGEMENT PLANS FOR FY2012**

AND

**REQUEST DELEGATION OF AUTHORITY TO THE CHAIRPERSON
TO DETERMINE AND APPROVE CHAPTER 343, HRS
ENVIRONMENTAL COMPLIANCE REQUIREMENTS, INCLUDING
APPROVAL OF DECLARATIONS OF EXEMPTIONS, FOR
WATERSHED PARTNERSHIP PROGRAM PROJECTS**

This Board Submittal requests approval to issue a Request for Proposals (RFP) under the competitive sealed proposal process, and authorize the Chairperson to award, execute, and extend contracts for the implementation of watershed partnership management plans for FY 2012 under the statewide Watershed Partnership Program Grants (RFP WPPG12). Additionally, the Division requests delegation of authority to the Chairperson to determine and approve Chapter 343, Hawaii Revised Statutes (HRS) environmental compliance requirements.

BACKGROUND

As authorized by HRS Section 247-7, the Natural Area Reserve Fund provides grants for the implementation of projects undertaken in accordance with watershed management plans negotiated with private landowners. These grants have been awarded annually since 2005. Contracts will be awarded to the most qualified proposals, based on evaluation criteria specified in the RFP.

DISCUSSION

Watershed Partnership Program Grants will be given for the following types of projects:

1. Maintenance and inspection of existing watershed protection fences.
2. Construction of watershed protection fences for which all compliance documents have been completed or submitted for approval (Environmental Assessments, Conservation District Use Permits and any others as required by State and/or Federal law).
3. Ungulate control within fenced areas or according to an ungulate control plan approved by the Hawaii Division of Forestry and Wildlife by the RFP due date, or included in a completed Environmental Assessment.
4. Control of priority invasive weed species in core areas identified by management plans approved by the Division of Forestry and Wildlife by the RFP due date.
5. Revegetation with native plants within fenced areas.
6. Completion of compliance documents necessary to implement ungulate management, weed control and/or fence construction.
7. Coordination of watershed partnership activities (up to \$50,000 maximum).
8. Other activities prioritized by watershed partnership management plans.

Evaluation criteria include the following:

- Number of Acres affected by management actions
- Number of Acres affected by management actions
- Inclusion of Public and Private Partners in management actions and proposal writing
- Improving watershed forests for water production or protecting biodiversity
- Realistic timeframe
- Completing fences to exclude ungulates
- Percentage of funding obtained from other sources
- Methodology clearly related to outcomes

Based on the requirements and special conditions of this procurement, DOFAW recommends that a competitive sealed proposal process be used for source selection. Such an approach will be the most advantageous procurement process for the solicitation because:

- 1) The primary consideration for the determination of the awards for this Request For Proposals is not price.
- 2) Oral or written discussion may need to be conducted with the Applicants concerning technical and price aspects of their proposals.
- 3) Applicants may need to be afforded the opportunity to revise their proposals, including price.
- 4) Awards may need to be based upon a comparative evaluation as stated in the request for proposals of differing price, quality, services and other contractual factors in order to determine the most advantageous offering to the State.

Pursuant to HAR 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State. Additionally pursuant to HAR § 3-122-45, a determination must be made by the procurement officer that an evaluation committee, selected in writing by the procurement officer,

evaluation committee for the selection of the proposals as an evaluation committee will allow for an objective review, evaluation, ranking and selection of the most qualified proposal for the program. Further the evaluation committee must consist of at least three government employees with sufficient qualification in the area of the goods or services to be procured; DOFAW recommends the following individuals:

Lisa Ferentinos, DOFAW Watershed Planner
Robert Hauff, DOFAW Forest Health Coordinator
Vickie Caraway, DOFAW Botanist
Joshua Atwood, Hawaii Invasive Species Committees Coordinator
Melissa Sprecher, DOFAW Forester
David Leonard, DOFAW Wildlife Biologist

In order to expedite the contracts for this procurement, DOFAW requests that the Board delegate authority to the Chairperson to award, execute and extend contracts for goods and services based on the recommendations of the evaluation committee and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State including extending contracts as appropriate. Should any of the committee members be unable to serve, the committee will be reduced in size or alternates with similar knowledge will be substituted and any changes and final make-up of the evaluation committee kept in the contract file.

Further, the Division also requests that the Board authorize the Chairperson to determine and approve Chapter 343, HRS environmental compliance requirements, including approval of declarations of exemptions, as applicable, for Watershed Partnership Program projects. For projects that are eligible for a declaration of exemption, the Division consults with agencies and individuals having expertise before seeking a project exemption as required under Chapter 11-200, HAR. The majority of Watershed Partnership Program projects are anticipated to have no significant negative environmental impact, and are anticipated to improve environmental health by promoting the restoration of degraded lands with native species. The Board delegation of authority to the Chairperson to determine and approve environmental compliance requirements for Watershed Partnership Program projects will allow the Division to expedite the contracts approved for funding. The delegation of authority would be subject to the most current Chapter 343, HRS and Chapter 11-200, HAR, as well as issued guidance or instructions from the Office of Environmental Quality Control on environmental evaluation of projects subject to Chapter 343, HRS.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Division currently requires all Hawai'i Watershed Partnership Program projects to provide evidence of compliance with Chapter 343, HRS as part of proposals requesting funding for implementation of any action. A majority of the watershed partnerships have already completed EA's for projects under their watershed partnership management plans. For projects that do not have a completed EA or EIS, the action proposed must be eligible for a declaration of exemption under an approved Departmental list to be eligible for award. A copy of the Finding of No Significant Impact for the EIS or EA, or a request for review and approval of a Declaration of Exemption will be attached to the request to the Chairperson to approve Notices of Award to assure that the specific actions being proposed and funded are in compliance.

RECOMMENDATIONS:

That the Board:


- 1) Approves the use of:
 - a. A competitive sealed proposal for a solicitation for the FY 2012 Watershed Partnership Program Grants (RFP WPPG12).
 - b. An evaluation committee comprised of the individuals identified above to serve, evaluate and select the competitive sealed proposals.
- 2) Delegates authority to the Chairperson to:
 - a. Award, execute and extend contracts for goods and services, subject to the availability of funds and approval by the Department of the Attorney General.
- 3) Delegates authority to the Chairperson to:
 - a. Determine and approve Chapter 343, HRS environmental compliance requirements for Watershed Partnership Program projects, including approval of declaration of exemptions as permitted under Chapter 11-200, HAR

Respectfully submitted,



PAUL J. CONRY,
Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources